

§ 928.1

928.226 Assessment rate.
928.313 Hawaiian Papaya Regulation 13.

AUTHORITY: 7 U.S.C. 601-674.

SOURCE: 36 FR 8925, May 15, 1971, unless otherwise noted.

Subpart—Order Regulating Handling

DEFINITIONS

§ 928.1 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may thereafter be delegated, to act in his stead.

§ 928.2 Act.

Act means public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (46 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 928.3 Person.

Person means an individual, partnership, corporation, association, or any other business unit.

§ 928.4 Papayas.

Papayas means any and all varieties of papayas grown in the production area.

§ 928.5 Production area.

Production area means the State of Hawaii.

§ 928.6 Fiscal year.

Fiscal year means the 12-month period beginning January 1 of each year, or such other period that may be approved by the Secretary pursuant to a recommendation by the committee: *Provided*, That the initial fiscal year shall begin on the effective date of this part.

§ 928.7 Committee.

Committee means the Papaya Administrative Committee established pursuant to § 928.20.

7 CFR Ch. IX (1-1-06 Edition)

§ 928.8 Grower.

Grower is synonymous with *producer* and means any person who produces papayas for market, and who has a proprietary interest therein.

§ 928.9 Handler.

Handler is synonymous with *shipper* and means any person (except a common or contract carrier transporting papayas owned by another person) who handles papayas in fresh form or causes papayas to be handled.

§ 928.10 Handle.

Handle or *ship* are synonymous and mean to sell, consign, deliver, or transport papayas or cause papayas to be sold, consigned, delivered, or transported within the production area or between the production area and any point outside thereof: *Provided*, That such term shall not include:

- (a) The sale of papayas on the tree;
- (b) The transportation of papayas from the location where grown to a packinghouse within the production area for the purpose or having such papayas prepared for market; or
- (c) The sale of papayas at retail by a person in his capacity as a retailer.

§ 928.11 District.

District means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 928.31(o):

(a) *District 1* shall include the island of Hawaii.

(b) *District 2* shall include the county of Kauai which consists of the islands of Kauai and Niihau; the county of Maui which consists of the islands of Maui, Molakai, Lanai, and Kahoolawe; and Kalawao County.

(c) *District 3* shall include the county of Honolulu which includes all of the island of Oahu.

[53 FR 864, Jan. 14, 1988]

§ 928.12 Export.

Export means to ship papayas to any point outside the State of Hawaii.

Agricultural Marketing Service, USDA

§ 928.22

ADMINISTRATIVE BODY

§ 928.20 Establishment and membership.

There is hereby established a Papaya Administrative Committee consisting of 13 members, each of whom shall have an alternate who shall have the same qualifications as the member. Ten of the members and their alternates shall be growers and are referred to as "grower" members of the committee. Seven of the grower members and their alternates shall be producers of papayas in District 1, two grower members and their alternates shall be producers of papayas in District 2, and one grower member and alternate shall be producers of papayas in District 3. No grower organization shall be permitted to have more than three members on the committee. Three of the members and their alternates shall be representatives of handlers and are referred to as "handler" members of the committee. The three handler members and their alternates shall be selected from the production area at large. No handler organization shall be permitted to have more than one handler member on the committee. The number of grower and handler members and alternates on the committee, and the composition of the committee between growers and handlers may be changed as provided in § 928.31(o). The committee also may be increased by one public member and one alternate public member nominated by the committee and selected by the Secretary. The committee, with the approval of the Secretary, shall prescribe the qualifications of, and the nominating procedure for, the public member and alternate.

[53 FR 864, Jan. 14, 1988]

§ 928.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning July 1 and ending on the second succeeding June 30, or such other dates recommended by the committee and established by the Secretary. The consecutive terms of office of a member shall be limited to three 2-year terms. Members and alternate members shall serve in such capacity for the portion of the term of office for which they are

selected and have qualified and until their respective successors are selected and have qualified.

[53 FR 864, Jan. 14, 1988]

§ 928.22 Nomination.

(a) *Successor members.* (1) The committee shall hold or cause to be held, not later than 45 days before the beginning of the term of office of committee members, separate meetings of growers in each district and a meeting of handlers for the purpose of designating nominees for successor members and alternate members of the committee, which shall be publicized and open to all growers and handlers. At each grower meeting, a chairman and a secretary shall be selected by growers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary. At each handler meeting, a chairman and a secretary may be selected by the handlers eligible to participate therein. If a chairman is elected he shall announce the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a report concerning such meeting. If a chairman is not elected some person shall be designated to file a report with the committee concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces papayas. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of papayas, such person may vote either as a grower or as a handler but not as both.